



National Park Service
U.S. Department of the Interior


**African Burial Ground
National Monument**

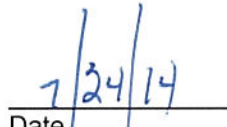
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Superintendent's Compendium
Of Designations, Closures, Permit
Requirements and Other
Restrictions Imposed Under
Discretionary Authority.

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Approved:


Shirley McKinney, Superintendent


Date

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of AFRICAN BURIAL GROUND NATIONAL MONUMENT. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, parts 1-7.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.

36 CFR § 1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USES OR ACTIVITIES

(a)(1) The following visiting hours, public use limits, and closures are established:

Visiting Hours:

- The National Monument is open as scheduled and posted at the building and/or through press releases and the park public website www.nps.gov/afbg
- The African Burial Ground Visitor Center is open Tuesday through Saturday from 10:00 a.m. to 4:00 p.m. The Visitor Center is closed Sunday and Monday.
- African Burial Ground Memorial outdoor grounds open (weather permitting):
 - March through October from 10:00 a.m. to 5:00 p.m. Monday through Saturday.
 - The African Burial Ground Memorial outdoor grounds are closed (except for special events) Sunday through Saturday-7 days per week, from November through February.
- The Visitor Center and Memorial grounds are also closed on the following designated federal holiday(s): Thanksgiving Day and Christmas Day
- The park superintendent may close park facilities due to severe weather or emergencies on an as needed basis. These closures will be posted at the site and/or on the public park website, www.nps.gov/afbg

These visiting hours were determined to be in the best interests of the park and are necessary for the proper management of the park. All portions of the park will be closed when it is necessary to protect the public from unsafe conditions or to protect the park resources from irreversible damage.

Public Use Limits -- Pursuant to § 1.5(d) to implement a public use limit, the Superintendent may establish a permit, registration, or reservations system:

- No parcel, container, package, bundle or other property shall be placed or stored on or along any park fence, hand railing, structure or barrier.
- Personal property larger than 22 inches by 14 inches by 9 nine inches is prohibited in the Park area. This restriction is based on the generally accepted airline carry-on standards.
- Items, including signs and pictures, cannot be attached to or otherwise left on park structures, including trees, except by permit. See also 36 CFR § 2.1.

- No signs or placards shall be permitted in the park area except those made of cardboard, poster board, plastic or cloth having dimensions no greater than three feet in width, four feet in length and one quarter inch in thickness. No supports shall be permitted for signs or placards.
- No signs or placards shall be attached, placed upon or steps or leaned against the buildings, flagpole, railings or the Memorial.
- No parcel, container, package, bundle or other property shall be placed or stored in or on the building and Memorial, along the railings, or any temporary barriers.
- Park quiet hours are established as between 8:00 p.m. – 9:00 a.m.
- Media players, including radios, CD players, MP3 players, televisions, and computers, may only be used with headphones.
- Segway's or similar motorized devices cannot be used in the park, except by individuals with documented disabilities related to mobility.
- Flowers (no more than two flowers per person) may be left on the site, and only at the re-internment area within the outdoor grounds.
- The pouring of "libations" of any kind within the memorial grounds requires a permit in advance.
- Bicycles and other items are prohibited from being attached to the fence and any other objects within the NPS property.
- Unmanned Aircrafts

These conditions have been established to protect park resources, ensure visitor safety, and promote the peaceful enjoyment of the park which is located in a congested, heavily trafficked, urban setting. Additionally, these conditions are designed to achieve the park's objective of commemorating the thousands of free and enslaved Africans buried at this site.

Closures:

The park is designated as closed to the following activities, for which a permit will not be issued:

- The surface of the re-internment area is closed to the public.
- Camping, as defined by 36 CFR 1.4(a) as the erecting of a tent or shelter or natural of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer,
- Explosives
- Aircraft use
- Snowmobile use
- Residing on Federal Lands
- Sacrificing or leaving animals or their remains
- Rubbings on any surface within the Memorial
- Use of Motor Vehicles
- Kite flying, ball playing, flying disc ("Frisbee®") throwing, and similar recreational activities
- Still photography of security features or fixtures outside of the National Memorial
- Eating and drinking, with the exception of water
- Bicycle use
- Skating, Skateboards and similar devices

When necessary to protect park visitors from unsafe conditions or to protect park resources, all or portions of the park will be closed on a temporary basis. Signs will be posted to announce such temporary closures.

These conditions have been established to protect park resources, ensure visitor safety, and promote the peaceful enjoyment of the park which is located in a congested, heavily trafficked, urban setting. Additionally, these conditions are designed to achieve the park's objectives of commemorating and communicating the story of thousands of free and enslaved Africans buried at this site. These closures are the minimum restrictions necessary to achieve such protection.

36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

Activities requiring a permit are listed above under Public Use Limits and throughout this document under the specific 36 CFR Section that authorizes or requires the issuance of a permit.

(b) Permit application

Permit applications for Special Park Use permits are available at the park website: www.nps.gov/afbg. The Superintendent will act upon a permit request within 10 days of receiving a complete application. Accordingly, permit applications must be received at least 10 days before the anticipated activity. Permit applications must be accompanied by a non-refundable application fee of \$50, except for First Amendments requests.

(e) Permit terms and conditions

Permit applications must be accompanied by a non-refundable application fee. First Amendment rights demonstration activities are held nearby at Foley Square, Duane and Centre Streets by agreement with the City of New York, and require a permit from the separately administered New York City Department of Parks and Recreation. (See map under Demonstrations)

Additional cost recovery, use and monitoring fees may be charged in accordance with established policy and procedures.

(f) The following is a compilation of those activities for which a permit from the Superintendent is required:

Activities related to Public Use Limits – See 36 CFR § 1.5(d)

- §2.5 Research items and specimens
- §2.12 Audio disturbances:
 - (a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas
 - (a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51
- §2.50 (a) Conduct sports event, pageant, and regatta. Public spectator attraction, entertainment, ceremony and similar events.
- §2.51 (a) Public assemblies, meetings, gatherings, demonstrations, parades and or other public expressions of views over 25 people. 1st Amendment assembly area is at Foley Square. See attached map.
- §2.52 Sale or distribution of printed matter that is not solely commercial advertising.
- §2.62 Memorialization:
 - (a) Erection of monuments (Requires approval from Regional Director)
 - (b) Scattering ashes from human cremation
- §4.11(a) Exceeding of established vehicle load, weight and size limits.
- §5.1 Advertisements - (Display, posting or distribution.)
- §5.3 Engaging in or soliciting any business (Requires a permit, contract or other written agreement with the United States, or must be pursuant to special regulations).
- §5.5 Commercial photography/filming:
 - (a) Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television
 - (b) Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising.
- §5.10(a) Operation of eating, drinking, or lodging establishments in park areas.

36 CFR §1.5 CLOSURE ON LAUNCHING, LANDING, OR OPERATING UNMANNED AIRCRAFT

Devices used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device is prohibited except under a special use permit that specifically authorizes launching, landing, or operating unmanned aircraft that is approved by the Associate Director, Visitor and Resource Protection (ADVRP).

The term unmanned aircraft includes all devices that meet this definition (e.g., model airplanes, quadcopters, and drones) that are used for any purpose, including for recreation or commerce.

36 CFR §2.1 – PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES

(a)(5) Walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, statue or sculpture is prohibited.

36 CFR §2.4 – WEAPONS, TRAPS AND NETS

Pursuant to 36 CRR § 2.4(a)(1), possessing, carrying, or using a trap or net is prohibited.

Pursuant to 18 U.S.C. § 930, firearms are prohibited in federal facilities. Federal facilities are defined as "buildings or parts thereof owned or leased by the federal government, where federal employees are regularly present for the purpose of performing their official duties." Federal facilities are marked with signs at public entrances, and include the following buildings: 290 Broadway, New York, NY 10007

- Pursuant to 16 U.S.C. §§ 1a – 7b (P.L. 111-24 Section 512), park visitors may carry firearms in National parks, except buildings if they are in compliance with federal, state, and local laws.
- Weapons cannot be used in the park except by authorized federal, state, or local law enforcement officers in the performance of their official duties. Pursuant to (e), Authorized Federal, State and local law enforcement officers
- Historic weapons may be carried, possessed or used by appropriate staff members and/or volunteer individuals or groups who are invited and sponsored by the Park to participate in official and regulated historic weapons living history programs.

Federal law prohibits the possession of a firearm or other dangerous weapon in this Federal facility unless specifically authorized. 18 USC 930(a) possession violations are subject to fine and/or imprisonment up to one year, while 18 USC 930(b) possession violations with intent to commit a crime are punishable by a fine and imprisonment up to five years

36 CFR § 2.5 RESEARCH ITEMS & SPECIMENS

Taking artifacts, plants, fish, wildlife, rocks or minerals is prohibited except in accordance with other regulations of Chapter I of 36 CFR or pursuant to the terms and conditions of a specimen collection permit.

36 CFR § 2.12 – AUDIO DISTURBANCES

- (a)(1) It is prohibited to operate motorized equipment or machinery in a manner:
- (i) That exceeds a noise level of 60 decibels measured on the A-weighted scale at 50 feet; or, if below that level, nevertheless;
 - (ii) makes noise which is unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, purpose for which the area was established, impact on park users, and other factors that would govern the conduct of a reasonably prudent person under the circumstances.
- (a)(2) Operating a power saw in developed areas is prohibited, except pursuant to the terms and conditions of a permit.
- (a)(4) Operating a public address system is prohibited, except in connection with a public gathering or special event for which a permit has been issued pursuant to 36 CFR §§ 2.50 or 2.51.

36 CFR § 2.14 – SANITATION AND REFUSE

- (a)(2) Using park refuse receptacles or facilities for dumping household, commercial or industrial refuse is prohibited.
- African Burial Ground National Monument is a "trash free" park
 - Visitors are responsible for their own trash management, collection, and removal from the park. Disposal of refuse in park restrooms is prohibited.

36 CFR § 2.15 – PETS

(a)(1) Possessing pets in public buildings, public transportation vehicles, swimming beaches, and the following structures and/or areas is prohibited:

- Pets are not allowed in the National Monument, including any part of the public building, memorial or office except for service animals
- CFR 28 part 36: A public accommodation shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.
- A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of disability to use harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animals safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control e.g., voice control, signals or other effective means.

(a)(5) Pet excrement must be disposed of in accordance with the following conditions:

- Pet excrement must be removed immediately from anywhere in the park

36 CFR § 2.20 – SKATING, SKATEBOARDS AND SIMILAR DEVICES

Using roller skates, skateboards, roller skis, coasting vehicles or similar devices is prohibited.

There are no designated roads, paths or trails within the boundary of the National Monument for these activities.

36 CFR § 2.21 – SMOKING

(a) The following portions of the park, buildings, structures and/or facilities are closed to smoking as noted:

- Smoking is prohibited within the boundaries of the Visitor Center and the Memorial.

These restrictions are based on a determination that smoking must be prohibited in these structures to protect park resources and values, reduce the risk of fire, and protect park visitors and staff.

36 CFR § 2.22 – PROPERTY

(b)(1) Property determined to be left unattended for any period of time may be impounded. All property must remain under the direct control of its owner at all times.

(b)(2) Unattended property that interferes with visitor safety, orderly management of the park area, or presents a threat to park resources may be impounded by the superintendent at any time. Such property will be impounded for inspection. Inspection may be destructive.

36 CFR § 2.35 – ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

(a)(3)(i) The following areas and facilities within the park are closed to consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed:

- All areas of the African Burial Ground National Monument and the Visitor Center are closed to the consumption of alcoholic beverages, and/or to the possession of open containers of alcohol without a permit.
- All government buildings are closed to the consumption of alcoholic beverages

These closures are implemented following a determination made by the Superintendent that allowing alcohol consumption and open container possession in these areas would be inappropriate. One of the Park's primary missions is to commemorate and communicate the story of the thousands of Africans buried at this site. Given the Park's purpose as a memorial the Superintendent has determined that it would be inappropriate for Park visitors to consume alcohol or possess open containers of alcohol in these areas.

36 CFR § 2.37 – NONCOMMERCIAL SOLICITING

Soliciting or demanding gifts, money, goods or services is prohibited except pursuant to the terms and conditions of a permit that has been issued under §2.50, §2.51, or §2.52.

36 CFR § 2.38 – EXPLOSIVES

(a) Using, possessing, storing, or transporting explosives, blasting agents or explosive materials is prohibited, except pursuant to the terms and conditions of a permit.

(b) Using, or possessing fireworks and firecrackers is prohibited, except pursuant to the terms and conditions of a permit.

36 CFR § 2.50 – SPECIAL EVENTS

(a) Entertainments, ceremonies, and similar events are allowed, provided there is a meaningful association between the park area and the events, and the observance contributes to visitor understanding of the significance of the park area, and a permit therefore has been issued by the superintendent.

36 CFR § 2.51 -- DEMONSTRATIONS

(b) Demonstrations of 25 people or less are allowed within the park areas designated as available under paragraph (c)(2). Demonstrations of more than 25 people are allowed within designated park areas when the superintendent has issued a permit for the activity.

(c)(2) The following locations are designated as available for demonstrations:

- Foley Square at Duane Street and Centre Street in Manhattan is managed by the New York City Department of Parks and Recreation, and is designated as the area available for African Burial Ground National Monument demonstrations by agreement with the National Park Service. All New York City laws, rules, regulations and procedures apply and demonstrators must contact the municipal authorities in order to conduct demonstration activities there. For demonstration, parade, and public assembly permits, please refer to the NYC Parks website: <http://www.nycgovparks.org/permits/>

See map below.

Foley Square at Duane Street and Centre Street



These conditions have been established to allow park visitors to exercise their First Amendment rights while also protecting the safety of visitors and demonstrators. These conditions are designed to ensure that the park area can be safely travelled without obstructions to walkways that could result in injury and to facilitate the proper management of the park area which is located in a congested, heavily trafficked, urban setting. These conditions are necessary to achieve the Park's objectives of protecting the safety of visitors and the occupants of the facility which the monument shares.

36 CFR § 2.52 -- SALE OR DISTRIBUTION OF PRINTED MATTER

(b) The sale or distribution of printed matter by more than 25 persons is allowed by permit within park areas designated as available under § 2.51(c)(2) (see above) when the superintendent has issued a permit in advance.

36 CFR § 2.61 – RESIDING ON FEDERAL LANDS

(a) Residing in park areas is prohibited except pursuant to the terms and conditions of a permit lease or contract.

36 CFR § 2.62 – MEMORIALIZATION

- (a) The installation of a monument, memorial, tablet, structure, or other commemorative installation in a park area without the authorization of the Director is prohibited.
- (b) The scattering of human ashes from cremation is prohibited, except pursuant to the terms and conditions of a permit.
- (c) *Flowers (no more than two flowers per person) may be left on the site, and only at the re-interment area within the outdoor grounds.*

36 CFR §4.30 – BICYCLES

- (a) & (b) Bicycle use is prohibited on all park roads and parking areas. See also 36 CFR § 1.5 of this document.

36 CFR §5.1 – ADVERTISEMENTS

Commercial notices or advertisements shall not be displayed, posted, or distributed on federally owned or controlled lands within a park area unless prior written permission has been given by the Superintendent.

36 CFR §5.3 – BUSINESS OPERATIONS

Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited.

36 CFR §5.5 – COMMERCIAL PHOTOGRAPHY

- (a) Before any motion picture may be filmed or any television production or sound track may be made by any person other than bona fide newsreel or news television personnel, written permission must first be obtained from the Superintendent.
- (b) Taking photographs of any vehicle or other articles of commerce or models for the purpose of commercial advertising without a written permit from the Superintendent is prohibited.

36 CFR §5.7 – CONSTRUCTION OF BUILDINGS OR OTHER FACILITIES

Such activities are prohibited, except in accordance with the provisions of a valid permit, contract, or other written agreement with the United States.